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R E M A R K S

Claims 1-21 stand as previously presented.

Claims 1-21 were considered in the Office Action.

Claims 1, 13, 15-16, 18 and 21 stand rejected under 35

5 U.S.C. 102(b) as being anticipated by Ueno et al., U.S. Patent 5,479,206 (hereinafter Ueno). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno. Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno in view of Squilla et al., U.S. Patent 6,623,528.

10 Claims 2-12 and 19-20 stand objected-to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15 Applicants traverse the rejections for the reasons set forth below and respectfully request reconsideration.

The Invention of Claim 1

The cited references do not disclose or suggest:

"A method of configuring settings in an imaging device, comprising:

20       retrieving at least one previous state of a plurality of settings in said imaging device;  
          determining a new state of said plurality of settings in said imaging device;  
          **combining said at least one previous state with said**  
25 **new state to form an optimal state of said plurality of settings; and**  
          configuring said settings in said imaging device **according to said optimal state."**  
(Claim 1, emphasis added)

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The above highlighted features which differentiate embodiments of the present invention from the cited references are features that are not anticipated by the cited references and would not have been obvious to a person with ordinary skill in the art having the cited references. Ueno does not disclose combining at least one previous state with a new state of a plurality of settings in an imaging device to form an optimal state. The Examiner has referred to Ueno, col. 16, lines 35-55 as follows:

When the remote command is received in the electronic camera 10 (steps 111, 112 in FIG. 7), the present f-stop value (controlled variable) that has been stored in the controlled-variable memory 17C is transmitted to the host computer 30 (step 113 in FIG. 7).

The f-stop value sent from the electronic camera 10 is received in the host computer 30 (step 94 in FIG. 5).

A range of f-stop values (open f-stop value: "Open F"; fully closed f-stop value: "Closed F") and a present f-stop value ("Present Value\_F") are displayed in the parameter setting area 125 shown in FIG. 13. "Present Value\_F", which is the presently prevailing f-stop value of the diaphragm in the electronic camera 10, displays what has been transmitted from the electronic camera 10 to the host computer 30 (step 95 in FIG. 5).

The operator observes the present f-stop value displayed and sets a new f-stop value as a target value if a change is necessary. This can be carried out by using the mouse 37 to change the length of a scroll bar 125A (the length of the portion indicated by the shading in FIG. 13) (step 96 in FIG. 5).

(Ueno, col. 16, lines 35-55, emphasis added)

Applicants respectfully disagree that this discloses or suggests "combining said at least one previous state with said new state to form an optimal state of said plurality of settings". Ueno simply displays the current f-stop value and allows the user to change the f-stop value. As illustrated in Ueno, FIG. 13, and described in the last sentence of the

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material cited above, this may be performed graphically by using a mouse to change the length of a "scroll bar". This does not disclose combining a previous state with a new state to form an optimal state. This allows a user to graphically select a new state, beginning from an old state, but the old state and new state are not combined. There is no disclosure in Ueno that the old state has any effect whatsoever on the new state. Once the user has moved the graphical "scroll bar", the old state is gone and is not combined with the new state in any way to form an optimal state. For example, if the graphical "scroll bar" were moved to the 2/3 shaded position, it would not make any difference what the starting point or old state was, the new state would simply be derived from the ending position of the graphical "scroll bar". To anticipate a claim for a patent, a single prior source must contain all its essential elements. Hybritech, Inc. v. Monoclonal Antibodies, Inc., 231 USPQ 81, 90 (Fed. Cir. 1986).

Applicants therefore believe that claim 1 is allowable over the cited references and respectfully request reconsideration.

Dependent claims 2-17 ultimately depend upon independent claim 1 which is allowable over the cited art as discussed above. These dependent claims are likewise in condition for allowance at least because they depend on an allowable independent claim. However, dependent claims 2-17 are independently allowable at least in that they recite particular features which, when combined with the elements of the base independent claims, are not disclosed or suggested in the cited references. For example, objected-to claims 2-12 are also allowable based at least on the reasons set forth by the Examiner in paragraphs 12-14 of the Office Action mailed March 29, 2004.

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The Invention of Claim 18

The cited references do not disclose or suggest:

"An electronic imaging device, comprising:

an imaging system; and

computer readable program code in said electronic imaging device, said computer readable program code comprising:

i) code for retrieving at least one previous state of a plurality of settings in said imaging device;

ii) code for determining a new state of said plurality of settings in said imaging device;

iii) code for combining said at least one previous state with said new state to form an optimal state of said plurality of settings; and

iv) code for configuring said settings in said imaging device according to said optimal state."

(Claim 18, emphasis added)

Applicants repeat the arguments for allowability set forth above with respect to claim 1, but specifically directed at the electronic imaging device of claim 18.

Objected-to claims 19-20 are believed allowable for at least the reasons set forth by the Examiner in paragraphs 15-16 of the Office Action mailed March 29, 2004.

The Invention of Claim 21

The cited references do not disclose or suggest:

"A digital imaging apparatus, comprising:

means for selecting a mode on said digital imaging apparatus;

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means for adjusting a plurality of settings on said digital imaging apparatus; and

**means for tracking user preferences in said plurality of settings."**

5 (Claim 21, emphasis added)

Applicants repeat the arguments for allowability set forth above with respect to claim 1, but specifically directed at the digital imaging apparatus of claim 21. In particular, the cited references do not disclose means for tracking user preferences in a plurality of settings. As discussed above, Ueno only discloses storing and displaying the current setting when enabling the user to select a new setting. Applicants respectfully disagree that this discloses means for tracking user preferences in a plurality of settings, particularly when interpreted in light of Applicants' specification.

The Applicants believe that the currently pending claims are allowable over the cited references and respectfully request the timely issuance of a Notice of Allowance.

20 Dated: 6/15/04

Respectfully submitted,  
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